REMARKS

Claims 1-11, 13-18, and 22-33 are pending in the application. Claims 1-11, 13-17, and 22-33 have been amended. Claims 34 and 35 have been added. Claims 1-11, 13-18, and 22-35 accordingly remain pending in the application.

Allowed Claims

Claims 18, 31, and 32 were indicated as being allowable. Applicant appreciates the Examiner's allowance of these claims.

Section 102 Rejections

The Examiner rejected claims 1, 8, 22, 25, 26, 27, and 28 under 35 U.S.C. 102 as being anticipated by Yeung, et al. (U.S. Pub. No. 2003/0078959). Applicant respectfully disagrees with these rejections, as set forth below. Applicant has amended several independent claims, however, in order to broaden and otherwise clarify these claims.

Yeung is directed to "a mechanism for parties that do not manage the operation of [] servers to deploy new software" using an "update directory." Yeung (Abstract). For example, a "website owner" may transfer "updated software for the website" into "a designated update directory" on a server. *Id.* at ¶ [0011], lines 8-10. To this end, Yeung discloses that "the customer can store the software in an archived format at its development site 22, transfer the archive file to staging server 18a, and then expand the archive file into the update directory 40 at the staging server." *Id. at* ¶ [0036], lines 3-6.

Claim 1

Claim 1 refers to an "installation program." The Examiner alleges that this feature is taught by paragraph [0007] of Yeung (the Background Section). *See* Office Action at 3. Claim 1 also recites "converting a non-streamable installation program … into a streamable installation program" and then "streaming the converted streamable installation program to a target processing system …." The Examiner appears to rely on paragraph [0036] of Yeung to teach the "converting" of claim 1. This paragraph is directed to the "particular manner in which new software is loaded into the update directory [on staging server 18a]," and does not appear to refer

to the teachings of paragraph [0007] in any way. This paragraph "does state that "files are transmitted in a streaming manner, rather than on a file-by-file basis to thereby further expedite the transfer process." Yeung at [0036]. Whatever "streaming manner" means in this paragraph (and Applicant submits that this is not entirely clear), the "files" that are transferred in this manner are not any type of "installation program." If anything, the files referred to in paragraph [0036] of Yeung as being transferred are the actual files to be installed. Accordingly, there does not appear to be any notion in Yeung of a "streamable installation program," and thus no notion of the "converting" recited in claim 1. In short, paragraph [0036] of Yeung merely describes a process for synchronizing the "update directory" with a directory at "development site 22."

For at least these reasons, Applicant submits that claim 1 and its dependent claims are patentably distinct over Yeung, and are thus in condition for allowance. Independent claim 22 and its respective dependent claims are believed to be allowable for at least reasons similar to those given for claim 1.

Claim 8

Claim 8 recites in part "downloading, to a client over a network, portions of an installation program that are collectively less than the entirety of the installation program" and "using said downloaded portions of the installation program, but not any portions of the installation program that have not been downloaded, to configure the client to execute the software application." As has been argued with respect to claim 1, Yeung does not teach or suggest a "streamble installation program." Thus, it follows that it cannot be said to teach or suggest "downloading…portions … that are collectively less than the entirety of the installation program" and "using said downloaded portions", "but not any portions … that have not been downloaded" as recited in claim 8. For at least these reasons claim 8 and its dependent claims are believed to be patentably distinct over Yeung.

Section 103 Rejections

The Examiner rejected claims 2-7, 9-11, 13-17, 23, 24, 29, 30, and 33 under 35 U.S.C. 103(a) as being unpatentable over Yeung et al. (U.S. Pub. No. 2003/0078959) in view of Holler, et al. (U.S. Pub. No. 2003/0004882). Applicant respectfully disagrees with these rejections.

As argued above with regard to claim 1, Yeung does not teach, among other things, a "streamable installation program." Applicant submits that Holler does not remedy the deficiencies of Yeung.

Claim 10 recites (emphasis added):

10. A method comprising:

converting a non-streamable installation program that is *compatible with a standardized installation format* into a streamable installation program that is *compatible with the standardized installation format*, wherein the installation program is executable to install a software application on a computer system; and

streaming the converted installation program to the target processing system to cause the target processing system to be configured for streaming execution of the software application.

With regard to the underlined features of claim 10 shown above, Holler is directed to "provid[ing] efficient delivery of **streamed applications** to client systems across a computer network such as the Internet." Holler (Abstract) (emphasis added). Installation in Holler appears to be performed by a "Stream App Install Block 301 for the particular application that needs to be installed." Holler at [0157]. The Stream App Install Block, however, is not a "converted installation program" as recited in claim 10. Instead, the App Install Block is generated by 1) "monitor[ing] the installation process of a local version of the application installation program and record[ing] changes to the system" and 2) profiling "a sample run of the application" "to obtain the list of critical pages needed to run the application initially and an initial page reference of sequence of the pages accessed." *Id.* at ¶ [0429]. The App Install Block is not (nor does it contain) a "converted installation program," as it is merely a composite of information resultant from the monitoring and the profiling (e.g., a list of file blocks "critical for the initial run of the application"). *Id.* ¶[0429] and ¶¶ [0433]-[0542] (detailed description of the contents of the App Install Block).

Moreover, Holler does not appear to "stream" the App Install Block. Instead, Holler merely discloses: "5. Fetch the contents of AIB from application server. This step is transparent

and happens immediately" after acquiring a license for the application. *See id.* at ¶¶ [0579], [0580].

Accordingly, Applicant submits that Holler does not teach or suggest the underlined features of claim 10 shown above.

With respect to the italicized features of claim 10 shown above, Applicant submits that Holler does not teach or suggest that the App Install Block is a "streamable installation program that is compatible with [a] standardized installation format" of a "a non-streamable installation program," as in claim 10 (emphasis added). (Yeung is not alleged to teach this feature.) Instead, when Holler describes monitoring the installation process to generate the App Install Block, Holler merely discloses that "an installation program may request [that] an Installer Service make changes to the machine" and that Holler may "capture changes made by the Installer Service." *Id.* at ¶ [0283]. Even though Holler mentions that "[o]n Windows 2000, for example, the Installer Service is called 'msi.exe'," *id.* at ¶ [0283], Holler does not suggest that the App Install Block is in any way "compatible with [a] standardized installation format" as recited in claim 10.

For at least these reasons, Applicant submits that claim 10 and its dependent claims are patentably distinct over the cited references.

Claim 14

Claim 14 recites in part "creating a streaming installation package from the dummy installation image, wherein said streaming installation package is executable on a target system in a streaming mode." As argued with regard to claim 10, none of the cited references teaches or suggests a "streamable installation program"; accordingly, it follows that none of the references can be said to teach or suggest a "streaming installation package … executable on a target system in a streaming mode" as recited in claim 14. For at least this reason, claim 14 and its dependent claims are believed to be in condition for allowance.

Claim 34

Claim 34 is believed to distinguish over the cited references as none of the references teaches or suggests "creating a streamable installation program that is compatible with a standardized installation format that is not configured for application streaming, wherein the

streamable installation program is executable to configure a computing device to execute a software application in a streaming mode." For at least this reason, claim 34 and its dependent claim are believed to be in condition for allowance.

CONCLUSION:

Applicant submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6002-08801/DMM.

Respectfully submitted,

Date: August 25, 2008

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